

REMARKS

Claims 1-27 are all the claims pending in this application.

Applicants respectfully submit that in view of the following statement pursuant to 35 U.S.C. § 103(c), Yoshimura et al does not qualify as prior art, and thus, the outstanding rejection should be withdrawn.

In view of the following comments, allowance of the instant application is earnestly solicited.

The Claims are Patentable under 35 USC § 103

Claims 1-17 and 26-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Yoshimura et al. (US 7,285,616 B2) and Hodgdon et al. (US 4,851,100).

Applicants respectfully traverse.

The international filing date of the present application is June 18, 2003. Yoshimura et al. was filed in the U.S. on March 25, 2003, and published on September 25, 2003. Hence, Yoshimura et al. only qualifies as prior art under 35 U.S.C. § 102(c).

Moreover, the subject matter of the instant application and that described in Yoshimura et al were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person, namely, SUMITOMO CHEMICAL COMPANY, LIMITED.

Without admitting that the rejection is appropriate, Yoshimura et al. is thus disqualified as a § 102(e) reference via 35 U.S.C. § 103(c), and cannot be used in the obviousness rejection under 35 U.S.C. § 103(a).

In the absence of Yoshimura et al, as a reference, the Office does not present a *prima facie* case for obviousness. Hence, this rejection should be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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CUSTOMER NUMBER

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